

Before the Board of Zoning Adjustment, D. C.

Application No. 11761 of Nathan Blitzstein pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit a change of non-conforming use from a grocery store to grocery store and delicatessen as provided by Sections 7104.2 and 7109 of the Regulations, in the R-5-B zone, at the premises 1235 W Street, N. W., known as lot 79, Square 271.

HEARING DATE: November 20, 1974

DECISION DATE: January 21, 1975

FINDINGS OF FACT:

1. The proposed use is permitted in the most restrictive zone district wherein the existing non-conforming use is permitted, the C-1 zone.

2. The applicant testified at public hearing that he proposes to operate a carry-out facility as a part of his grocery store.

3. The proposed delicatessen (carry-out) use would consist of the sales of hot and cold sandwiches to customers who work and attend school in the immediate vicinity of the subject property.

4. Opposition by the Central Northwest Citizens Association was stated at the public hearing on the grounds that the proposed use would add to the accumulation of trash that presently exists in the neighborhood and create additional traffic, both pedestrian and vehicular in the neighborhood.

5. The applicant proposes to operate the delicatessen in question seven days per week from 9:00 o'clock a.m. to 12:00 o'clock midnight.

6. The opposition testified that at least eleven (11) other carry-out facilities are located in the area near the subject property bounded by Florida Ave., N. W. on the north, U Street, N.W. on the South, 11th Street, N. W. on the east and 14th Street, N. W. on the west.

CONCLUSIONS OF LAW AND OPINION

Based on the above findings of fact, and the record, the Board concludes that the proposed use, which is proper for a change of non-conforming use, is objectionable because it would tend to generate a deleterious external affect on the neighborhood in which it is located by reason of anticipated increase of trash on the premises and traffic created by the increased intensity of use of the subject property.


The Board further concludes, as a matter of law that this application, if granted, would tend to adversely affect the use of neighboring property.

ORDERED: That the above application be DENIED.

VOTE: 4-0 (Mr. Klauber not voting, not having heard the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT.

ATTESTED BY:

  
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER; FEB 10 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.